

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

2009 APR -3 A 9:47

Yvette Cole,

Plaintiff,

v.

State of South Carolina; and  
Hampton County,

Defendants.

DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA  
CHARLESTON, SC

Civil Action No. 9:09-324-SB

**ORDER**

This matter is before the Court upon the *pro se* Plaintiff's complaint, wherein she alleges that the Defendants failed to protect her property from trespassers and violated her civil rights. Pursuant to Local Rule 73.02(B)(2)(a), this matter was referred to a United States Magistrate Judge for preliminary review.

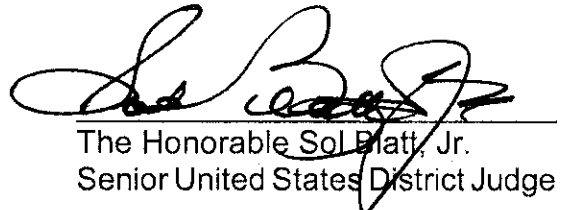
On March 9, 2009, the Magistrate Judge issued a report and recommendation ("R&R"), analyzing the issues and recommending that the Court dismiss the Plaintiff's complaint without prejudice and without issuance and service of process. In the R&R, the Magistrate Judge determined that the State of South Carolina is entitled to dismissal because it is not a "person" within the meaning of 42 U.S.C. § 1983. Furthermore, with respect to Hampton County, the Magistrate Judge noted that the Plaintiff has failed to raise any allegations that would show that the County maintains a discriminatory policy to render it liable pursuant to § 1983. Finally, the Magistrate Judge noted that the Plaintiff has already raised these same allegations in this Court, albeit unsuccessfully, and the Court has no duty to "grind the same corn a second time." Aloe Creme Labs., Inc. v. Francine Co., 425 F.2d 1295, 1296 (5th Cir. 1970).

Attached to the Magistrate Judge's R&R was a notice advising the Plaintiff of her right to file specific, written objections to the R&R within ten days after being served with a copy. To date, no written objections have been filed.

Absent timely objection from a dissatisfied party, a district court is not required to review, under a *de novo* or any other standard, a Magistrate Judge's factual or legal conclusions. Thomas v. Arn, 474 U.S. 140, 150 (1985); Wells v. Shriners's Hosp., 109 F.3d 198, 201 (4th Cir. 1997). Here, because no objections have been filed, the Court need not conduct a *de novo* review of any portions of the R&R. Accordingly, the Court hereby adopts the Magistrate Judge's R&R as the Order of this Court, and it is

**ORDERED** that the Plaintiff's complaint is dismissed without prejudice and without issuance and service of process.

**IT IS SO ORDERED.**



The Honorable Sol Blatt, Jr.  
Senior United States District Judge

April 2, 2009  
Charleston, South Carolina

